Remarks

Applicant respectfully requests reconsideration of the above-identified application in view of the following remarks, amendments to the claims and added claims.

35 U.S.C. 112 Rejection of Claim 19

Claim 19 has been amended to correct a typographical error – claim 19 depends from claim 14 and not claim 1. It is submitted that claim 19 satisfies 35 U.S.C. §112 in all respects.

Prior Art Rejections

Claims 1-3, 5-6, 8-11, 12-13 and 18-26 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent Publication No. 2005/0010653 ("McCanne et al."). Claims 4 and 14-16 were rejected under 35 U.S.C. §103 as being unpatentable over McCanne in view of U.S. Patent No. 6,160,843 ("McHale et al."). Claims 7 and 17 were rejected under 35 U.S.C. §103 as being unpatentable over McCanne in view of U.S. Patent Publication No. 2002/0143951 ("Khan et al.").

35 USC § 102 Rejection of Claims 1, 2, 5 ,6, 8, 9, 11-13, 18-20 and 24-26

Claims 1 and 21 were discussed together in the rejection thereof on page 3 of the Office Action. We have assumed that the Examiner meant to reject independent claim 12 with claim 1, rather than dependent claim 21, because claim 21 is separately discussed later in the Office Action and claim 12 is not.

Claim 1

Amended claim 1 claims a method for providing streamed electronic content to a plurality of user terminals in a client network from at least one remote electronic content source.

According to the method claimed in claim 1, requests are received from two or more user terminals in the client network for streamed content from the at least one remote electronic content store, and a streamed unicast transmission is provided of the requested content for receipt

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by a client-side computer in the client network, e.g., "any suitable computer, network, or other electronic processing unit capable of requesting, receiving, and/or manipulating content streams as further described herein." (See paragraph [0018].)

On the client side of the network, the method of claim 1 provides for the streamed unicast transmission to be received in and processed by the client-side computer, and for the client-side computer to distribute the processed streamed content to each of the requesting plurality of user terminals in the client network.

As mentioned, claim 1 was rejected in the Office Action as being anticipated by McCanne et al. This rejection, as it was applied to claim 1 and as it may be applied to amended claim 1, is traversed for the following reasons.

McCanne et al. is concerned with building out a content distribution network to the network edge, and not in the client network as claimed in claim 1. The peering arrangements discussed in McCanne et al. are between ISPs, and are not in the client network. This is clear from paragraphs [0098] –[0100] of McCanne et al. In paragraph [0098] McCanne et al. proposes that "a far more stable business model [to that of the prior art] is the 'content peering' model described herein." In paragraph [0100], McCanne et al. states that "a *set of ISPs* can more easily than before develop their own content distribution service *by peering* at the "content level" rather than the network level." (Emphasis supplied.) McCanne et al. illustrates peering at the network level in Fig. 2, link 29. (See paragraph [0100], lines 6-7.) In contrast, McCanne et al. illustrates peering at the network edge by ISPs in Fig. 8. In paragraph [0108], with respect to Fig. 8, McCanne et al. states:

> a peer ISP can build its own content distribution network using the present
> invention to "peer" with the content backbone to incrementally build out
> the content network. (Paragraph [0108], lines 4-6.)

From this quote, it is clear that the McCanne et al. is concerned with a build-out of a content distribution network to the network edge, and not on the client side. Even more to the point, McCanne et al. goes on to say in paragraph [0109]:

> Not only does this ISP's deployment of content distribution technology
> reduce bandwidth costs and provide better network quality to users, but it
> creates a new revenue opportunity by allowing that ISP to enter into the

content distribution service. That is, the second ISP would create and own its own URL namespace anchored in its own content backbone. Then, its affiliate ISPs configure their content redirectors to capture the new URLs, assuming a business relationship exists to support this level of "content peering". **In effect, the content distribution architecture described herein allows any ISP to build their own content backbone and content distribution service offering, _then peer with one another_--at the content level rather than the IP layer--to effect arbitrarily large and wide-reaching content distribution networks.** (Emphasis supplied.)

Thus, the arrangement proposed by McCanne et al. clearly is directed to ISP peering, and not client-side peering.

It is submitted that claim 1 is not anticipated by McCanne et al. In addition, we reiterate that McCanne et al.'s approach to solving bandwidth problems is from the network side, specifically, at the network edge, and therefore does not suggest the invention as claimed in claim 1. Based on the foregoing, it is submitted that claim 1 is allowable over McCanne et al.

Independent Claim 12

For similar reasons, it is submitted that claim 12 is not anticipated by or obvious from McCanne et al., and is allowable over McCanne et al.

Independent Claim 20

It is submitted that claim 20 is allowable for reasons similar to those advanced for the allowability of claim 1, and for the following reasons.

Claim 20 claims forming a multicast group comprising user terminals that have provided requests for the streamed content, and providing a streamed unicast transmission of the requested content for receipt by a client-side computer in the client network. The received content is processed in the client-side computer such that the content is suitable for distribution to the multicast group, and the client-side computer distributes the processed streamed content to each of the requesting user terminals of the client network in the multicast group.

The activities in claim 20 summarized above, e.g., distributing processed content from the client-side computer to requesting terminals in the multicast group of the client network, all

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occur on the client side of the network, which, as discussed above, McCanne et al. does not disclose.

Independent claim 23

Claim 23 has been amended from a dependent to an independent claim. It is submitted that claim 23 is allowable over McCanne et al. for reasons similar to those advanced for the allowability of claim 1, and because McCanne et al. does not disclose monitoring at the client-side computer as claimed in claim 23. (The Examiner cited to paragraph [0208] in the support of the claim 23 rejection. However, paragraph [0208] refers to the local servers 201 and 202 which are on the network side of the end host 100 and any client for which the end host is an attachment point to the network.)

Dependent Claims 2, 5, 6, 8, 9, 11, 13, 18, 19 and 24-26

At least dependent claims 2, 8, 9 (dependent upon claim 1), dependent claims 13 and 19 (dependent upon independent claim 12), and dependent claims 24-26 (dependent on independent claim 23), involve activities occurring in the client network. Claims 5 and 6, which are dependent on claim 1, involve transmitting addition content to the client-side terminal. As discussed above, McCanne et al. does not address such activities on the client side of the network, if at all.

It is submitted that dependent claims 2, 5, 6, 8, 9, 11, 13, 18, 19 and 24-26 are allowable for the reasons discussed above and for reasons similar to those advanced for the allowability of claim 1.

In the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action because the primary reference does not describe the client-side structure and functionality described in the claims presented herein, which moots the basis for almost all of the comments. This should not be taken as acquiescence of the substance of those comments.

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35 USC § 103 Rejection of Dependent Claims 4, 7 and 14-17

It is submitted that dependent claims 4, 7 and 14-17, which are dependent on claim 1 or independent claim 12, are allowable for reasons similar to those advanced for the allowability of claim 1 and certain dependent claims. Nothing in McHale et al. and Khan et al. includes the disclosure or any suggestion thereof missing from McCanne et al., as discussed above.
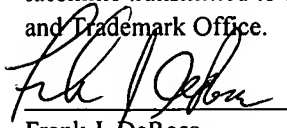
New Claims 27-30

It is submitted that that added claims 27-30 are also allowable over McCanne et al. and the prior art of record. Among other things, like claim 1, these claims provide for a client-side computer in the client network that receives, process and distributes streamed content.

Closing

It is submitted that claims 1, 2, 4-9, 11-20 and 23-30 are allowable. Reconsideration and allowance of the application with those claims are requested.

Respectfully submitted,

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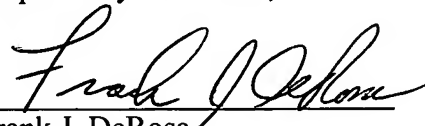I hereby certify that this correspondence is being
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